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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 FRANK SALVADOR SOLORZA,)

18 Defendant.)
19 _____)

CR. No. 09-0217 PJH

**UNITED STATES' PRETRIAL
CONFERENCE STATEMENT**

Pretrial Conf: June 2, 2010

Time: 2:30 p.m.

Trial: June 21, 2010

Judge: Hon. Phyllis J. Hamilton

1 The UNITED STATES OF AMERICA, through its counsel Joseph P. Russoniello, United
 2 States Attorney, and Kevin J. Barry and Denise Marie Barton, Assistant United States Attorneys,
 3 files this Pretrial Conference Statement pursuant to Crim. L. R. 17.1-1(b) and the Revised Order for
 4 Pretrial Preparation for Criminal Jury Trial, dated January 26, 2009 (Docket No. 57) .

5 **1. DISCLOSURE AND CONTEMPLATED USE OF STATEMENTS OR REPORTS OF**
 6 **WITNESSES INTENDED TO BE CALLED AT THE TRIAL**

7 The United States has previously produced discovery including numerous witness statements
 8 in advance of the time periods provided for in 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2 and has
 9 also produced many statements and reports not strictly covered by these authorities. Specifically,
 10 the United States produced the following discovery, which included witness statements, on the noted
 11 dates:

12	March 6, 2009	Bates numbers 00001 – 00047;
13	March 25, 2009	Bates numbers 00048 – 00058;
14	May 4, 2009	Bates numbers 00059 – 00137;
15	June 8, 2009	Bates numbers 00138 – 00143;
16	June 26, 2009	Bates numbers 00144 – 00146;
17	July 6, 2009	Bates numbers 00147 – 00156;
18	August 24, 2009	Bates numbers 00157 – 00581;
19	August 25, 2009	Bates numbers 00582 – 00761;
20	September 14, 2009	Bates numbers 00762 – 00769;
21	September 16, 2009	Bates numbers 00770 – 00812;
22	September 24, 2009	Bates numbers 00813 – 00864;
23	October 21, 2009	Bates numbers 00865 – 00875.

24 To the extent that additional reports and statements are generated in connection with recent
 25 activity, the United States will immediately make them available in accordance with its continuing
 26 duty to disclose.

1 In addition, the United States has informed the defendant of its intention to use a number of
 2 co-conspirator statements in its case-in-chief. These co-conspirator statements and the dates of their
 3 production are discussed in Section 11, below.

4 The United States has requested reciprocal discovery. To date, defense counsel has provided
 5 only preliminary reports of a defense investigator's interview with the defendant's fellow employees
 6 at Safeway.

7 **2. DISCLOSURE AND CONTEMPLATED USE OF GRAND JURY TESTIMONY OF**
 8 **WITNESSES INTENDED TO BE CALLED AT THE TRIAL**

9 The United States has not yet produced grand jury testimony of witnesses to be called at trial.
 10 Although neither 18 U.S.C. § 3500 nor Fed. R. Crim. P. 26.2 require disclosure until after a witness
 11 has testified at trial, the United States will produce the grand jury testimony of a witnesses it intends
 12 to call prior to trial, subject to a motion to unseal the grand jury transcript. The government intends
 13 to make this motion at the pretrial conference and to produce the transcript at that time, which is
 14 roughly three weeks before trial. There is only a single potential trial witness who offered testimony
 15 before the grand jury.

16 **3. DISCLOSURE OF EXCULPATORY OR OTHER EVIDENCE FAVORABLE TO**
 17 **THE DEFENDANT ON THE ISSUE OF GUILT OR PUNISHMENT**

18 The United States believes that it has disclosed all exculpatory evidence known to it. The
 19 United States further understands that the duty to disclose exculpatory evidence is a continuing one.
 20 In the event the United States learns of exculpatory evidence in preparation for and during the trial,
 21 it will immediately disclose this information to the defendant.

22 **4. STIPULATION OF FACTS**

23 The United States intends to seek several stipulations with counsel for the defense and will
 24 promptly advise the Court of any stipulations when reached by the parties. Generally, the United
 25 States intends to seek a stipulation that the revised transcriptions and translations of various
 26 recordings represent accurate representations of those recordings. The United States will also
 27 propose a stipulation concerning chain-of-custody of certain evidence. The United States will also
 28

1 seek stipulations concerning the phone records associated with the defendant and other persons
2 connected with the charged conduct.

3 **5. APPOINTMENT BY THE COURT OF INTERPRETERS**

4 The United States anticipates that the victim-witnesses in this case will need a Spanish
5 language interpreter at the trial, and the United States is making arrangements for a certified
6 interpreter to be present.

7 **6. DISMISSAL OF COUNTS / ELIMINATION OF ISSUES**

8 The United States does not anticipate the dismissal of any counts.

9 On March 6, 2009, the United States requested notice of intent to rely on an alibi defense or
10 a defense of insanity in accordance with Fed. R. Crim. P. 12.1. To date, the defendant has not
11 provided any notice of either defense. The defendant has indicated, however, that he intends to
12 reply on a defense of coercion / duress, which is the subject of motions in limine.

13 **7. JOINDER AND SEVERANCE**

14 The United States does not anticipate seeking joinder of any cases, and severance should not
15 be an issue in this matter.

16 **8. IDENTIFICATION OF INFORMERS, USE OF LINEUP OR OTHER**
17 **IDENTIFICATION EVIDENCE, AND EVIDENCE OF PRIOR CONVICTIONS OF**
18 **THE DEFENDANT OR ANY WITNESS**

19 This case does not involve any informers.

20 The United States anticipates the possibility of introducing evidence of a photograph arrays
21 and witness identifications from this photograph arrays in the course of the trial with a single
22 witness. The fact of the photograph arrays and identifications have previously been disclosed to the
23 defense in the course of discovery.

24 The United States will not seek to admit specific prior convictions of the defendant, either in
25 its case in chief or if he testifies, unless the defendant on direct examination makes a statement
26 denying any prior contact with law enforcement.

27 ///

1 **9. PRETRIAL EXCHANGE OF WITNESS LISTS FOR WITNESSES TO BE CALLED**
 2 **IN CASE-IN-CHIEF**

3 The United States presents its list of witnesses it intends to call during its case-in-chief as
 4 Attachment A hereto. The United States reserves the right to amend this list and will provide an
 5 updated witness list prior to trial should there be any changes.

6 **10. PRETRIAL EXCHANGE OF DOCUMENTS, EXHIBITS, SUMMARIES,**
 7 **SCHEDULES, MODELS OR DIAGRAMS INTENDED TO BE OFFERED OR USED**
 8 **AT TRIAL IN CASE-IN-CHIEF**

9 The United States presents its list of exhibits in intends to introduce during its case-in-chief
 10 as Attachment B hereto. The United States reserves the right to add, omit, or modify its exhibits
 11 prior to trial, and will provide an updated exhibit list prior to trial should there be any changes. The
 12 United States reserves the right to redact certain portions of its exhibits.

13 The United States further requests an opportunity to examine the defendants' exhibits before
 14 trial.

15 **11. PRETRIAL RESOLUTION OF OBJECTIONS TO EXHIBITS OR TESTIMONY TO**
 16 **BE OFFERED AT TRIAL**

17 **Motions in Limine**

18 The United States has filed four motions in limine, and the defendant has filed five motions
 19 in limine. In these motions, the parties request rulings on the following aspects of evidence or
 20 testimony:

21 (1) Whether the defendant will be permitted to offer evidence concerning a defense of
 22 coercion or duress;

23 (2) Whether the government will be permitted to offer evidence that some of the victims
 24 suspected that the defendant was involved in the scheme to extort money from them prior to his
 25 arrest;

26 (3) Whether the government will be permitted to offer evidence that the defendant is a
 27 naturalized citizen and that prior to this, he was a legal permanent resident with a green card, as well
 28 as other evidence concerning the defendant's immigration status;

(4) Whether the government will be permitted to offer evidence that the defendant previously used other names before he obtained his green card;

(5) Whether the defendant will be permitted to offer evidence through the testimony of his previous counsel that the defendant received a threatening letter telling the defendant to be careful in his dealings with the government, a letter that was lost by prior counsel;

(6) Whether the government will be permitted to offer evidence in the form of co-conspirator statements; and

(7) Whether the government will be permitted to offer evidence in the form of transcriptions of recorded conversations.

Admissions by the Defendant

The United States also intends to offer statements of the defendant in its case-in-chief. The United States contends that any and all statements by the defendant are admissible as admissions of a party opponent and are not hearsay. FRE 801(d)(1); *United States v. Matlock*, 415 U.S. 164, 172 (1974). Those statements include statements that the defendant made at the time of his arrest. In addition, statements in which the defendant had conversations with his family members – prior to their receipt of the extortionist letters – in which he inquired of his family members when their “green cards” were going to expire and other questions regarding their immigration status. Documentation of all statements by the defendant have been produced to the defendant.

Admission of Recorded Conversations and Use of English Transcripts

The United States intends to offer evidence of co-conspirator statements through recorded statements and English-language transcripts of the Spanish language recordings. *See United States’ Second Motion in Limine To Admit Co-Conspirator Statements*. These recordings and draft transcripts were produced to defense counsel in discovery. Final trial-ready, certified transcripts are being prepared and will be available in advance of trial and provided to defense counsel upon completion.^{1/}

^{1/} The trial-ready, certified transcripts are not expected to differ in any material respect from the (continued...)

1 Based on conversations with defense counsel, the United States anticipates that the parties
 2 will reach a stipulation as to the admissibility of the recordings and the accuracy and admissibility of
 3 the English transcripts. Defense counsel has recently advised the United States that he does not
 4 object to the accuracy of the transcripts that the United States intends to offer into evidence.

5 As an aid to the Court and in the event that a stipulation is not reached, the United States
 6 provides the following authority regarding admissibility of the recordings and the English-language
 7 translation transcripts.

8 A. Authentication of the Recordings

9 If a stipulation is not reached, the United States anticipates that the persons present during
 10 the recorded calls will authenticate the recordings.^{2/} The foundation which must be laid for the
 11 introduction into evidence of tape recordings is a matter largely within the discretion of the trial
 12 court. There is no rigid set of foundational requirements. Rather, the Ninth Circuit has held that
 13 “tapes are sufficiently authenticated under Fed. R. Evid. 901(a) if ‘sufficient proof has been
 14 introduced so that a reasonable juror could find in favor of authenticity or identification.’” *United*
 15 *States v. Matta-Ballesteros*, 71 F.3d 754, 768 (9th Cir. 1995), *modified*, 98 F.3d 1100 (9th Cir.
 16 1996). Witnesses may testify competently as to the identification of a voice on a tape recording.
 17 Fed. R. Evid. 901(b)(5); *United States v. Torres*, 908 F.2d 1417, 1425 (9th Cir. 1990) (“Testimony
 18 of voice recognition constitutes sufficient authentication.”); *United States v. Basey*, 613 F.2d 198,
 19 202 n.2 (9th Cir. 1979); *United States v. Turner*, 528 F.2d 143, 163 (9th Cir. 1975).

20 The recordings that the United States intends to introduce contain portions in which the tape
 21 is inaudible. However, the inaudible portions are not substantial and do not render the tapes, and
 22 resulting transcripts, unintelligible. Taped conversations are competent evidence even when they
 23 are partly inaudible, unless the unintelligible portions are so substantial as to render the recording as
 24

26 ^{1/}(...continued)
 27 draft transcripts produced to defense counsel.

28 ^{2/} The United States will also have chain of custody witnesses available.

1 a whole untrustworthy. *United States v. Ruppel*, 666 F.2d 261, 272 (5th Cir. 1982); *United States v.*
 2 *Carlson*, 423 F.2d 431, 440 (9th Cir. 1970).

3 B. Procedure for Admission of Transcripts Prepared From Spanish Language Tapes

4 English transcripts of recordings in a foreign language are admissible evidence. *United*
 5 *States v. Abonce-Barrera*, 257 F. 3d 959, 962 (9th Cir. 2001) (when there is no dispute as to the
 6 accuracy of the transcripts, there is no error in admitting the English transcripts and sending the
 7 transcripts to the jury room); *United States v. Franco*, 136 F.3d 633, 626-28 (9th Cir. 1998) (same);
 8 *United States v. Feuntes-Montijo*, 68 F.3d 352, 355-56 (9th Cir. 1995); *United States v. Armijo*, 5
 9 F.3d 1229, 1234-35 (9th Cir. 1993).

10 Prior to admitting transcripts of foreign language recordings, the accuracy of the recordings
 11 must be determined. In the case of foreign language tapes, the Ninth Circuit reviews “whether the
 12 following steps were taken to ensure the accuracy of the transcriptions and their translation: (1)
 13 whether the district court reviewed the transcriptions and translations for accuracy, (2) whether the
 14 defense counsel had the opportunity to highlight alleged inaccuracies and to introduce alternative
 15 versions and (3) whether the jury was allowed to compare the transcript to the tape and hear
 16 counsel’s arguments as to the meaning of the conversations.” *Abonce-Barrera*, 257 F. 3d at 962;
 17 *Franco*, 136 F. 3d at 626. No single question is dispositive. *See Armijo*, 5 F. 3d at 1234-35.
 18 Moreover, there is no requirement that a trial judge personally determine the accuracy of the
 19 transcript if a third party, such as a translator, testifies as to the accuracy of the transcript. *Id.* at
 20 1234-35. In this case, the defense received the transcripts of the records approximately one year ago
 21 and has not identified any inaccuracies. In fact, the defense has indicated that it will not contest the
 22 accuracy of the transcripts. Should the defendant decide not to stipulate to accuracy, the United
 23 States is prepared to offer testimony of the transcribers / translators who prepared the trial-ready
 24 transcripts.

25 **12. PREPARATION OF PRETRIAL BRIEFS ON CONTROVERTED POINTS OF LAW**

26 The United States is not currently aware of any controverted points of law other than those
 27 addressed in the motions in limine filed on May 18 and May 19, 2010. The key point of law at issue
 28

1 in those motions is whether the Court will permit the defendant to offer evidence of duress or
 2 coercion as part of his defense in this case. Should the United States become aware of any such
 3 issues, it will prepare and file a Trial Brief to address these issues.

4 **13. SCHEDULING OF THE TRIAL AND WITNESSES**

5 As discussed during the Court's May 12, 2010 hearing on the defendant's motion to change
 6 the trial date, the United States is prepared to proceed, as scheduled, on June 21, 2010. The United
 7 States has issued subpoenas to witnesses in accordance with this schedule.

8 **14. REQUEST FOR JURY QUESTIONNAIRE, VOIR DIRE, EXERCISE OF** 9 **PEREMPTORY AND CAUSE CHALLENGES, AND JURY INSTRUCTIONS**

10 The Court has set forth a Jury Questionnaire in its January 26, 2010 Revised Order For
 11 Pretrial Preparation For Criminal Jury Trial. (Docket No. 57.) The United States does not object to
 12 this questionnaire. The United States is filing additional Proposed Voir Dire Questions, and the
 13 defendant has already done so. The United States will meet and confer with counsel for the
 14 defendant to resolve any differences between the two versions, with the goal of presenting a joint
 15 proposed set of questions. The parties will present any remaining disputes to the Court for
 16 resolution.

17 The United States is not aware of any reason that the standard number of peremptory
 18 challenges provided for in Fed. R. Crim. P. 24(b)(2) – 10 for the defendant and six for the
 19 prosecution – should not apply in this trial.

20 The United States is filing Proposed Jury Instructions, and the defendant has already done so.
 21 The United States will meet and confer with counsel for the defendant to resolve differences
 22 between the two versions, with the goal of presenting a joint proposed set of instructions. The
 23 parties will present any remaining disputes to the Court for resolution.

24 **15. ANY OTHER MATTER WHICH MAY TEND TO PROMOTE A FAIR AND** 25 **EXPEDITIOUS TRIAL**

26 **Case Agent Designation**

27 At commencement of trial, the United States will move for exclusion of all witnesses.
 28 However, pursuant to Fed. R. Evid. 615(2), the government will request that an ICE Agent be

1 designed as the case agent and be exempt from the exclusion order. FRE 615(2) (an officer or
2 employee of a party that is not a natural person designated by its attorney as its representative should
3 not be ordered excluded from the court during trial); *see also United States v. Little*, 753 F.2d 1420,
4 1441 (9th Cir. 1985). As Rule 615(2) makes clear, the exemption from exclusion does not include
5 defense investigators. If the defendants choose to have their investigators present during testimony
6 by any witness, those investigators should be prohibited from testifying.

7 The United States is not currently aware of any additional matters to present to the Court.
8
9

10 DATED: May 19, 2010

Respectfully Submitted,

11
12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14
15 /s/
16 KEVIN J. BARRY
17 DENISE MARIE BARTON
18 Assistant United States Attorney
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ATTACHMENT A

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 09-0217 PJH

Plaintiff,)

v.)

UNITED STATES' WITNESS LIST

FRANK SALVADOR SOLORZA,)

Defendant.)

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Case No.: CR 09-0217 PJHDate: June 21, 2010

United States of America v. Frank Salvador Solorza

(X) PLAINTIFF'S () DEFENDANT'S

WITNESS LIST

Witness Name	Subject of Testimony
Jesus Escatel	Victim; will offer testimony about the initial contact by a co-conspirator with the letter purporting to be from "George Marsino" from the "Office of Immigration" in San Francisco; will testify concerning phone calls received from co-conspirators; will testify concerning interactions with ICE; will testify concerning the events immediately leading up to the defendant's arrest; will provide testimony authenticating recordings if stipulations are not agreed upon
Gabriel Escatel	Victim; will offer testimony about the initial contact by a co-conspirator with the letter purporting to be from "George Marsino" from the "Office of Immigration" in San Francisco; will testify concerning phone calls received from co-conspirators; will testify concerning interactions with ICE
Irma Escatel	Victim; will offer testimony about the initial contact by a co-conspirator with the letter purporting to be from "George Marsino" from the "Office of Immigration" in San Francisco; will testify concerning phone calls received from co-conspirators; will testify concerning interactions with ICE
Jose Rutilio Escatel	Victim; will offer testimony about the initial contact by a co-conspirator with the letter purporting to be from "George Marsino" from the "Office of Immigration" in San Francisco; will testify concerning phone calls received from co-conspirators; will testify concerning interactions with ICE

Witness Name	Subject of Testimony
Veronica Sanchez	Victim; will offer testimony about the initial contact by a co-conspirator with the letter purporting to be from “George Marsino” from the “Office of Immigration” in San Francisco; will testify concerning phone calls received from co-conspirators; will testify concerning interactions with ICE; will provide testimony authenticating recordings if stipulations are not agreed upon
Ramon Escatel	Victim; will offer testimony about the initial contact by a co-conspirator with the letter purporting to be from “George Marsino” from the “Office of Immigration” in San Francisco; will testify concerning phone calls received from co-conspirators; will testify concerning interactions with ICE; will provide testimony authenticating recordings if stipulations are not agreed upon
Gricelda Garcia	ICE Special Agent; will testify regarding initial contact with ICE by victims; ICE initial meeting with victims; ICE investigation of the defendant and his co-conspirators; and ICE investigation of the Escatels; will also testify on chain of custody if stipulations are not agreed upon
Rocio Franco	ICE Special Agent; will testify regarding ICE investigation of the defendant and his co-conspirators; and events immediately leading up to the defendant’s arrest; will also testify on chain of custody if stipulations are not agreed upon
Dennis Scheffel	ICE Special Agent; will testify regarding ICE initial meeting with victims; ICE investigation of the defendant and his co-conspirators; and events immediately leading up to the defendant’s arrest; will also testify on chain of custody if stipulations are not agreed upon
Jason Barry	ICE Special Agent; will testify regarding ICE investigation of the defendant and his co-conspirators; and events immediately leading up to the defendant’s arrest; will also testify on chain of custody if stipulations are not agreed upon

Witness Name	Subject of Testimony
Sarah Agate	House of Humor employee; recalled Hispanic looking person who resembled Solorza shopping for a clown suit on February 9, 2009
ICE Special Agents Present on 2/10/09 and Identified in Reports Produced	Additional ICE Special Agents will be called to testify for authentication and chain of custody if stipulations are not agreed upon
Translators / Transcribers of Recordings (if needed)	Will testify re: accuracy of translation and transcription of audio recordings introduced as evidence

Date: May 19, 2010

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

_____/s/_____
KEVIN J. BARRY
DENISE MARIE BARTON
Assistant United States Attorneys

ATTACHMENT B

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
FRANK SALVADOR SOLORZA,
Defendant.

No. CR 09-0217 PJH

UNITED STATES' EXHIBIT LIST

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Case No.: CR 09-0217 PJHDate: September 15, 2008

United States of America v. Frank Salvador Solorza

(X) PLAINTIFF'S () DEFENDANT'S

EXHIBIT LIST

No.	Exhibit Description	Bates Number	Date Entered
1	Letter to Jesus Escatel	FSS000010	
2	Letter to Gabriel Escatel and Irma Escatel	FSS000009	
3	Letter to Ramon Escatel and Veronica Sanchez	FSS000012	
4	Letter to Jose Rutilio Escatel	FSS000011	
5	Clown suit		
6	Photograph of clown suit	FSS000007	
7	Clown hair		
8	Pirates of the Caribbean Mask		
9	Sunglasses		
10	Photograph of hair, mask, and sunglasses	FSS000006	
11	Bicycle		
12	Photograph of bicycle	FSS000004	
13	Briefcase		
14	Photograph of briefcase	FSS000002	
15	Photograph of back of vehicle	FSS000003	
16	Photograph of Solorza	FSS000005	
17	Photograph of Solorza	FSS000001	
18	Certified records from Verizon – re: Solorza's phone and calls		

UNITED STATES' EXHIBIT LIST
CR 09-0217 PJH

19	Solorza's Cell Phone		
20	Video of arrest		
21	House of Humor Receipt		
22	Excerpts from Solorza A-file		
23	Transcript of 2/3 - 2/4/2009 Co-conspirator Statements to Veronica Sanchez	FSS00059- 63 (current transcript)	
24	Recording of 2/3 - 2/4/2009 Co-conspirator Statements to Veronica Sanchez	CD labeled "Sanchez microcassette 2/5/09"	
25	Transcript of 2/4 - 2/7/2009 Co-conspirator Statements to Ramon Escatel and Veronica Sanchez	FSS00080- 83 (current transcript)	
26	Recording of 2/4 - 2/7/2009 Co-conspirator Statements to Ramon Escatel and Veronica Sanchez	CD labeled "Veronica Sanchez microcassette 2/12/09"	
27	Transcript of 2/5/2009 Co-conspirator Statements to Jesus Escatel	FSS00063-64 (current transcript)	
28	Recording of 2/5/2009 Co-conspirator Statements to Jesus Escatel	CD labeled "2/5/09 & 2/10/09 phone calls and encounters"	
29	Transcript of 2/5/2009 Co-conspirator Statements to Jesus Escatel	FSS00064-67 (current transcript)	
30	Recording of 2/5/2009 Co-conspirator Statements to Jesus Escatel	CD labeled "2/5/09 & 2/10/09 phone calls and encounters"	

UNITED STATES' EXHIBIT LIST
CR 09-0217 PJH

31	Recording of 2/7/2009 Co-conspirator Statements to Ramon Escatel and Veronica Sanchez	CD labeled "Veronica Sanchez microcassette 2/12/09"	
32	Transcript of 2/8/2009 Co-conspirator Statements to Ramon Escatel and Veronica Sanchez	FSS000083-91 (current transcript)	
33	Recording of 2/8/2009 Co-conspirator Statements to Ramon Escatel and Veronica Sanchez	CD labeled "Veronica Sanchez microcassette 2/12/09"	
34	Transcript of 2/10/2009 Co-conspirator Statements to Jesus Escatel	FSS00067-73 (current transcript)	
35	Recording of 2/10/2009 Co-conspirator Statements to Jesus Escatel	CD labeled "2/5/09 & 2/10/09 phone calls and encounters"	
36	Transcript of 2/10/2009 Co-conspirator Statements to Jesus Escatel	FSS00115; FSS00073-75 (current transcript)	
37	Recording of 2/10/2009 Co-conspirator Statements to Jesus Escatel	CD labeled "2/5/09 & 2/10/09 phone calls and encounters"	
38	Transcript of 2/10/2009 Co-conspirator Statements to Jesus Escatel	FSS00075-76 (current transcript)	
39	Recording of 2/10/2009 Defendant Statements to Jesus Escatel	CD labeled "2/5/09 & 2/10/09 phone calls and encounters"	

UNITED STATES' EXHIBIT LIST
CR 09-0217 PJH

--	Demonstrative Exhibits to Be Provided in Advance of Trial		
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Date: May 19, 2010

Respectfully submitted,

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United States Attorney

_____/s/_____
KEVIN J. BARRY
DENISE MARIE BARTON
Assistant United States Attorneys